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## Time ebbing for 6 foreigners in Libya AIDS case

By Elisabeth Rosenthal International Herald Tribune

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**SOFIA** In 1998, at a time when her country was mired in hyperinflation, Valya Chervenyashka left her rural Bulgarian village and went to work as a nurse in Benghazi, Libya, for \$250 a month, to pay for her daughters' college education.

Today, Chervenyashka and four other Bulgarian nurses, as well as a Palestinian doctor, are under death sentence in a Libyan jail and facing a firing squad, accused of intentionally infecting more than 400 hospitalized Libyan children with the AIDS virus - in order, according to the initial indictment, to undermine Libyan state security.

They were also charged with working for Mossad, the Israeli intelligence service.

Although the motive of subversion has since been dropped, the death sentence stands.

The nurses' final appeal is scheduled to be heard by the Libyan Supreme Court on Nov. 15.

With that date approaching, President Georgi Parvanov of Bulgaria plans to raise the case at a meeting with President George W. Bush in Washington on Monday.

International experts, including Dr. Luc Montagnier, the eminent discoverer of the AIDS virus, have traveled to Libya to study the situation and have testified that the children were infected as a result of poor sanitary practices at the Al Fateh hospital in Benghazi. The nurses have testified that they were tortured in the months after their arrest.

"Nurses from little towns in Bulgaria acting as agents of Mossad?" said Antoanetta Ouzounova, one of Chervenyashka's daughters, now 28. "It all sounds funny and absurd until you realize your mother could die for it."

For seven years the nurses' plight has simmered on the back burner of international politics, especially since Colonel Muammar el-Qaddafi, the Libyan president, renounced terrorism and nuclear weapons in 2003.

Last year, even as Condoleezza Rice, the U.S. secretary of state, and Romano Prodi, then head of the European Commission, were protesting the case in meetings, the commission invited Qaddafi to Brussels for lunch, and the United States lifted trade sanctions.

But now, with time running out, the simmering case may well come to boil, threatening Qaddafi's rehabilitation.

Negotiations to secure the nurses' release are "not moving well," Ivailo Kalfin, Bulgaria's foreign minister, said in a recent interview here.

Libyan officials have suggested that the Bulgarians pay \$10 million in compensation for each of the 420 children allegedly infected with AIDS, according to Bulgarian and EU diplomats.

The Europeans have countered with offers of HIV treatment and humanitarian help.

"These women are hostages," said Solomon Passy, head of the Bulgarian National Assembly's Committee on Foreign Policy.

Last summer, the EU's commissioner for external relations, Benita Ferrero-Waldner, visited the Benghazi hospital where the nurses had worked.

"The EU is leaving no stone unturned to try to secure the release of the Bulgarian nurses and the Palestinian medic," said Emma Udwin, the commissioner's spokeswoman, while declining to go into specifics.

If the nurses had been Italian or British or American, diplomats say, the case would have provoked a major international protest, with posters and yellow ribbons demanding their release. But here in Sofia, a lazy city of trendy cafés and decaying Communist monuments, there is only muted outrage.

Bulgaria is trying not to rock the boat so as to be admitted to the EU as planned in 2007; it is accustomed to second-class diplomatic status.

Kalvin, the foreign minister, said with a shrug: "It is one thing when Britain raises an issue; it is another when Bulgaria raises it."

In hopes of brokering a deal, the European Union has sent diplomats and medical teams to Libya to study and consult on the country's HIV/AIDS problem. It has flown dozens of children from Libya to Europe for medical treatment and held training sessions for doctors in Libya.

Bulgaria recently agreed to send Libya 20 of the 50 pieces of medical equipment it had requested, and even offered to restructure the \$27 million in Libyan debt it holds.

But Libya has countered that Bulgaria should also negotiate a payment of "blood money" to the families of the infected children, saying that the families might then express forgiveness toward the nurses and ask for dismissal of the court case, a procedure permitted under Islamic law.

The Libyan figure of \$10 million for each child draws parallels to the \$10 million Libya agreed to pay each of the families of the 270 people killed in the bombing of Pan Am Flight 103 by its agents over Lockerbie, Scotland, in 1988. For Bulgaria, it would amount to 25 percent of its gross domestic product. The Bulgarian government has rejected the idea. It rejects the concept of "blood money," Calvin said. "Second, there's no way to compare this to Lockerbie."

Nonetheless, a senior EU diplomat said there had been "underground meetings" about a payment.

There is little doubt that in the late 1990s, Libya was coming to grips with a serious HIV/AIDS outbreak. There is also no evidence that it was caused by the five Bulgarian nurses and the Palestinian doctor - although they may have inadvertently spread the virus when treating children with blood or syringes provided by the hospital.

A team of World Health Organization doctors dispatched to study HIV in Libya in late 1998 concluded that there were "multiple sources of infection." Their internal report was never released but was provided to the International Herald Tribune by an official familiar with the case.

In Benghazi, the report said, "nosocomial transmission" - accidental spread during medical procedures - was "mainly responsible for the current epidemic." It added that sterile supplies and better equipment were needed.

Three years later, Montagnier was hired by Qaddafi's son as an independent expert to study the situation at Al Fateh Hospital.

"Some of the children were infected before the Bulgarian nurses even arrived, and others after they left," said Montagnier said in a telephone interview, recalling his 2001 visit.

He said that most of the children were also infected with various subtypes of hepatitis C, which can be transmitted to children only by injection. This, he said, clearly demonstrated that "there were many errors in hygiene in this hospital at the time."

In a handwritten 2003 declaration to the Bulgarian Foreign Ministry, one nurse, Snezhana Dimitrova, described torture that had included electric shocks and beatings.

"They tied my hands behind my back," she wrote. "Then they hung me from a door. It feels like they are stretching you from all sides. My torso was twisted and my shoulders were dislocated from their joints from time to time. The pain cannot be described. The translator was shouting, 'Confess or you will die here.'"

In February 2000, a year after their arrest, charges were filed against the nurses - Chervenyashka; Dimitrova; Kristiana Valcheva; Nasya Nenova; and Valentina Siropulo - and the doctor, Ashraf Ahmad Jum'a.

After a quiet trial in May 2004, the five nurses and the Palestinian doctor were sentenced to death by firing squad.

The Libyan police officers accused by the nurses of torture were acquitted.

Experts on all sides express skepticism that the conviction will be overturned or that the nurses will be released in November, either by the court or by Qaddafi himself, because such a reversal would fly in the face of overwhelming public opinion in Libya.

Complicating matters, the experts say, is the fact that the Qaddafi regime decided early on to blame the foreign nurses for HIV rather than acknowledging a medically embarrassing and politically dangerous situation.

"They've fingered the Bulgarians as murderers and they cannot step back," Passy said. Justice, he said, is in the hands of Qaddafi, "and he can free the nurses, but he will have to pay a high political price."

Matthew Brunwasser contributed reporting for this article.

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